

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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PUBLIC SERVICE COMMISSION

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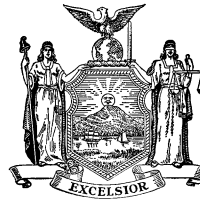
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Commissioners



PETER McGOWAN

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Secretary

May 11, 2011

SENT VIA ELECTRONIC FILING
Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Room 1-A209
Washington, D.C. 20426

Re: Docket Nos. RP11-2066-000 and RP11-1566-000
(not consolidated) - Tennessee Gas Pipeline
Company

Dear Secretary Bose:

For filing, please find the Notice of Intervention and Answer of the Northeast State Coalition in the above-entitled proceeding. Should you have any questions, please feel free to contact me at (518) 474-1585.

Very truly yours,

Alan T. Michaels
Assistant Counsel

Attachment

Tennessee Gas Pipeline Company)
)
) Docket Nos. RP11-2066-000
) and RP11-1566-000
) (not consolidated)
)

INTRODUCTION

In accordance with Rules 212, 213 and 214 of the Federal Energy Regulatory Commission's ("FERC" or the "Commission") Rules of Practice and Procedure, the Northeast State Coalition ("NESC"), comprised of the Connecticut Department of Public Utility Control, the Maine Public Utilities Commission, the Massachusetts Department of Public Utilities, the Massachusetts Attorney General, the New Hampshire Public Utilities Commission, the New York State Public Service Commission, the Pennsylvania Office of Consumer Advocate, the Rhode Island Department of Attorney General, the Rhode Island Division of Public Utilities and Carriers, and the Vermont Department of Public Service, respectfully submits this Notice of Intervention, Motion to Intervene, and Answer in support of the New England Local

Distribution Companies' ("NELDCs") Motion to Consolidate, filed on May 4, 2011. The NELDCs request to consolidate a fuel tracker filing of Tennessee Gas Pipeline Company ("TGP" or the "Company") (RP11-2066-000) with TGP's ongoing rate case (RP11-1566-000).

I. INTERVENTION

The names and office addresses of members of the NESC are as follows:

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Massachusetts Attorney General
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New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
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Rhode Island Department of Attorney General
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Rhode Island Division of Public Utilities & Carriers
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Vermont Department of Public Service
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II. COMMUNICATION

Copies of all documents and correspondence in this proceeding should be sent to:

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III. DESCRIPTION OF FILING

The NESC is comprised of State Commissions, State Consumer Advocates and State Attorneys General. Therefore, the State Commissions respectfully submit a Notice of Intervention, while the State Consumer Advocates and State Attorneys General hereby submit a Motion to Intervene.

The State Commissions provide a Notice of Intervention as follows:

The members of NESC that are State Commissions, specifically the Connecticut Department of Public Utility Control ("CT DPUC") the Maine Public Utilities Commission ("MEPUC"), the Massachusetts Department of Public Utilities ("MASS DPU"), the New Hampshire Public Utilities Commission ("NHPUC") the New York Public Service Commission ("NYPSC"), and the Vermont Department of Public Service ("VT DPS") are each individually a regulatory body established under the laws of its home State, and each holds jurisdiction to regulate rates or charges for the sale of natural gas to consumers within the State. CT DPUC, MEPUC, MASS DPU, NHPUC, NYPSC, and VT DPS are each, therefore, a State Commission as defined in section 2(8) of the Natural Gas Act, 15 U.S.C. §717a(8), and 18 C.F.R. § 1.101(k). Accordingly, CT DPUC, MEPUC, MASS DPU, NHPUC, NYSPC, and VT DPS each individually hereby provides its notice of intervention pursuant to Rule 214(a)(2), 18 C.F.R. §385.214(a)(2)(2006).

TGP provides interstate natural gas service to several northeastern Local Distribution Companies under the jurisdiction of each State Commission noted. Therefore, CT DPUC, MEPUC, MASS DPU, NHPUC, NYPSC, and VT DPS have valid and substantial interests in this proceeding.

The NESC members that are not State Commissions respectfully move as follows:

Massachusetts Attorney General:

The Attorney General of Massachusetts is authorized by common law and by statute to institute such proceedings before state and federal courts, tribunals and commissions as she may deem to be in the public interest. Massachusetts General Laws c. 12, § 10; *Feeney v. Commonwealth*, 373 Mass. 359, 366 N.E.2d 1262, 1266 (1977); *Secretary of Administration and Finance v. Attorney General*, 367 Mass. 154, 163, 326 N.E.2d 334, 338 (1977). The Massachusetts Attorney General is further authorized by statute to intervene on behalf of Massachusetts ratepayers in proceedings before the Commission. Massachusetts General Laws, c. 12, § 11E. Good cause exists for the Commission to grant the Massachusetts Attorney General's leave to intervene. The Massachusetts Attorney General is a public officer charged with representing the Commonwealth of Massachusetts, the public interest and the people of the Commonwealth with respect to electric or gas industry matters that affect electric or gas consumers in Massachusetts. Resolution of this matter may directly affect the interests of those customers and the rates they pay. Customer interests will not be adequately protected without the Massachusetts Attorney General's intervention. No other party to this proceeding represents the interests of these retail customers. The interests of the Massachusetts Attorney General in this matter

are direct and substantial, and no other party can represent adequately those interests. For these reasons, granting intervention is in the public interest, and the Commission should grant the Massachusetts Attorney General leave to intervene in this proceeding with full rights as a party.

The Pennsylvania Office of Consumer Advocate ("PA OCA"):

A number of Pennsylvania natural gas distribution companies (PA NGDCs) that are regulated by the Pennsylvania Public Utility Commission and may also serve competitive natural gas suppliers (NGSs) serving end use customers in Pennsylvania.

These PA NGDCs, along with NGSs, serve retail consumers in Pennsylvania, the majority of whom are residential and small commercial consumers. These smaller consumers rely on NGDCs and NGSs for the delivery of the natural gas they need to heat their homes and businesses in the winter and to otherwise meet their natural gas service needs.

The PA OCA represents the interests of these retail consumers. No other party to this proceeding can represent these interests. The Pennsylvania Public Utility Commission represents the public interest in the Commonwealth, which includes interests broader than those represented by the PA OCA. Consequently, the PA OCA must be allowed to participate in this

proceeding in order to ensure that the interests of retail consumers in the Commonwealth are adequately represented.

The Rhode Island Department of Attorney General and Rhode Island Division of Public Utilities & Carriers:

Peter F. Kilmartin, Attorney General of the State of Rhode Island, is, pursuant to §42-9-6 of the General Laws of Rhode Island of 1956, as amended, the "legal advisor of all state boards, divisions, departments, and commissions and the officers thereof..." Under the common law, he is the representative of the public, empowered to bring actions to redress grievances suffered by the public as a whole. Participation by the Rhode Island Attorney General in the instant proceeding is sanctioned by law and consistent with the public interest. No other party can adequately represent these interests.

The Rhode Island Attorney General is also the statutory legal representative of the Rhode Island Division of Public Utilities & Carriers ("RI DPUC"), which, along with the Public Utilities Commission, maintains:

the exclusive power and authority to supervise, regulate, and make orders governing the conduct of companies offering to the public in intrastate commerce energy...for the purpose of increasing and maintaining the efficiency of such companies, according desirable safeguards and convenience to their employees and to the public, and protecting them and the public against improper and unreasonable rates, tolls, charges...

R.I. Gen. Laws §§ 39-1-1(c) & 39-1-19(b).

Moreover, pursuant to Rhode Island law, the RI DPUC is statutorily mandated to represent the interests of Rhode Island consumers in proceedings before the Federal Energy Regulatory Commission: "The administrator shall represent the state in proceedings before agencies of the federal government on *all* matters affecting public utility services rendered or to be rendered in this state..." R.I. Gen. Laws § 39-1-29 (emphasis supplied). Section 39-1-29 additionally requires specific participation by the RI DPUC in proceedings affecting or relating to regional transmission issues in an effort to promote the "coordination of power systems to achieve low... transmission costs and possible regionalization of regulation."

The Company provides interstate gas service to the Principal Rhode Island local distribution company under the jurisdiction of the Commission and the RI DPUC. The RI DPUC and the Rhode Island Attorney General, therefore, possess a valid and substantial interest in this proceeding.

The foregoing statutes and business of the Company demonstrate that participation by the Rhode Island Attorney General and the RI DPUC, in the instant proceeding, is not only sanctioned by law, but also necessary for protection of the public interest in this proceeding.

IV. ANSWER IN SUPPORT OF MOTION

On April 29, 2011, TGP filed revised tariff sheets and proposed a Fuel and Loss Retention ("F&LR") with an effective date to be contemporaneous with the rate set in RP11-1566-000, which will be effective on June 1, 2011. On May 4, 2011, the NELDCs filed a Motion to Consolidate the fuel tracker with the rate case, stating that they moved to ensure a just and consistent outcome and prevent the waste of administrative resources. The NESC Answers in support of the NELDCs' Motion to Consolidate for the reasons set forth in the NELDCs' motion.

CONCLUSION

WHEREFORE, in view of the foregoing, the NESC submits its members' Notice of Intervention and Motion to Intervene in this proceeding (RP11-2066-000). Moreover, the NESC respectfully requests that the Commission grant the NELDCs' request to consolidate this matter with the pending rate case (RP11-1566-000).

Respectfully submitted,

CONNECTICUT DEPARTMENT OF PUBLIC UTILITY CONTROL

By its attorney,

/s/ *Robert Luysterborghs*

Robert Luysterborghs

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By its attorney,

/s/ *Carol A. MacLennan*

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Senior Staff Attorney

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By its attorney,

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By its attorney,

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PETER F. KILMARTIN
ATTORNEY GENERAL OF THE STATE OF RHODE ISLAND

RHODE ISLAND DIVISION OF
PUBLIC UTILITIES AND CARRIERS
By their Attorney,

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Dated: May 11, 2011
Albany, New York

CERTIFICATE OF SERVICE

I, Alan T. Michaels, do hereby certify that I will serve on May 11, 2011, the foregoing Notice of Intervention, Motion to Intervene, and Answer of the Northeast State Coalition upon each of the parties of record indicated on the official service list compiled by the Secretary in this proceeding.

Dated: May 11, 2011
Albany, New York

Alan T. Michaels